

JOHN L. BURRIS, Esq. State Bar #69888
BENJAMIN NISENBAUM, Esq. /State Bar #222173
LAW OFFICES OF JOHN L. BURRIS
Airport Corporate Centre
7677 Oak port Street, Suite 1120
Oakland, California 94621
Telephone: (510) 839-5200
Facsimile: (510) 839-3882

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HUNG LAM, individually, through his next
friend, Kathy LAM,

Plaintiffs,

vs.

CITY OF SAN JOSE, a municipal corporation;
LARRY ESQUIVEL, in his capacity as Chief of
Police for the CITY OF SAN JOSE; Officer
DONDIE WEST, individually and her official
position as a San Jose Police officer, and DOES
1-25, inclusive,

Defendants.

Case No. 14-cv-00877 PSG

**PLAINTIFF'S OPPOSITION TO
DEFENDANTS' MOTION IN LIMINE NO. 8
TO EXCLUDE OR LIMIT TESTIMONY OF
DR. ALEX BARCHUK**

Pretrial Conference Date: October 6, 2015
Time: 10:00 a.m.
Courtroom 5

Trial Date: October 19, 2015

Honorable Paul S. Grewal

Plaintiff opposes Defendants' Motion *in limine* No. 8 to exclude testimony of Dr. Alex Barchuk only on the issue "costing" that was performed in Carol Hyland's report, on the same bases as Plaintiff opposed Defendants Motion *in limine* No. 5 to exclude testimony of Carol Hyland. *Bermudez v. Ciolek* 237 Cal.App. 4th 1311, 188 Cal.Rptr.3d 820, (June 22, 2015) is dispositive of Defendants' position. Defendant's instant Motion *in limine* must be denied as to this issue.

Respectfully submitted,

Dated: September 29, 2015

THE LAW OFFICES OF JOHN L. BURRIS

/s/ Benjamin Nisenbaum

Benjamin Nisenbaum
Attorney for Plaintiff